

Pro Se 7[†] (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

for the

Southern District of Texas

APR 02 2021

Houston Division

Nathan Ochsner, Clerk of Court

Shivam Patel

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United Airlines

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION - Amended

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Shivam Patel
Street Address	1402 Brighton Fort Drive
City and County	Houston, Harris
State and Zip Code	Texas 77073
Telephone Number	571-294-9099
E-mail Address	Shivam86@msn.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name	United Airlines
Job or Title <i>(if known)</i>	Attn: Matt Golding
Street Address	P O Box 60307
City and County	Houston, Harris
State and Zip Code	Texas 77205
Telephone Number	281-553-0290
E-mail Address <i>(if known)</i>	Matt.Golding@united.com

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Not Applicable - Currently Employed
Street Address	
City and County	
State and Zip Code	
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law *(specify the federal law)*:
42 U.S. Code § 2000- e- (2) (a) (1) and 42 U.S. Code § 2000- e- (3)(a)

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
From January 2020 to September 2020

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☒ color Brown
- ☒ gender/sex Male
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

On around January 30th 2020, I was pulled into office by then supervisor Jesus Silva for allegedly urinating too far from the urinal. I immediately filed an internal complaint of discrimination based on race, color and alleged disability. Also, I filed an EEOC charge 460-2020-002217 on April 15th 2020 based on race, color, and alleged disability. About 12 days after closure of internal discrimination complaint and filing of EEOC charge 460-2020-002217, I was suddenly pulled into the office by managers Ben Brea and Emad Syed being accused of urinating too far. In my defense, I told the managers that I am being retaliated against. The manager named Emad Syed said that it was different person accusing refusing to investigate or referring to investigation by appropriate defendant's officials in violation of Title VII Civil Rights Act of 1964 as amended. For further details related to this complaint see EEOC charge 460-2021-00308 included in the docket.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

01/08/2021

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 1/15/2021 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff requests court costs and costs associated with litigation. Also, plaintiff requests court to direct defendant to cease all forms of discrimination against myself and other employees, former employees and job applicants. Additionally court requests defendant to take corrective action against managers and discriminator complainant to ensure future discrimination don't take place. Finally, I am requesting court to grant the plaintiff an attorney fees if attorney is retained and as well as compensatory damages up to \$300,000 if I consult mental health professional.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/2/2021

Signature of Plaintiff

Printed Name of Plaintiff Shivam Patel

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

ENTERED

March 31, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Shivam Patel,

Plaintiff,

v.

United Airlines, Inc.

Defendants.

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CIVIL ACTION NO. H-21-0989

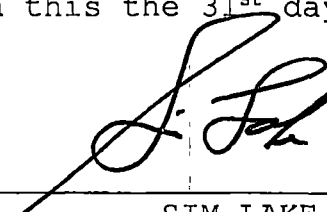
ORDER

Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and the Cost and Delay Reduction Plan under the Civil Justice Reform Act, this case is **REFERRED** to United States Magistrate Judge Christina Bryan.

All parties are **ORDERED** to advise the court within 20 days of the entry of this Order whether they will consent to the jurisdiction of Magistrate Judge Christina Bryan for all purposes in this case pursuant to 28 U.S.C. § 636(c). For the convenience of the parties the clerk is **ORDERED** to forward to plaintiff and defendant a "Consent to Proceed Before United States Magistrate Judge Christina Bryan" form with each party's copy of this Order.

Accordingly, the Initial Pretrial and Scheduling Conference set on June 25, 2021 at 3:00 pm is **CANCELED**.

SIGNED at Houston, Texas, on this the 31st day of March, 2021.



SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Shivam Patel,

Plaintiff,

v.

United Airlines Inc.,

Defendants.

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CIVIL ACTION NO. H-21-0989

CONSENT TO PROCEED BEFORE
UNITED STATES MAGISTRATE JUDGE CHRISTINA BRYAN
(CIVIL CASE)

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to this action waive their rights to proceed before a district judge of the court and consent to have United States Magistrate Judge Christina Bryan conduct all further proceedings in the case, including hearings and rulings on motions, pretrial conferences and trial, and the entry of judgment. All parties must execute this form.

Shivam Patel for Plaintiff - Pro Se
____ for _____
____ for _____
____ for _____

ORDER OF REFERENCE

It is **ORDERED** that the Clerk of Court reassign this action to United States Magistrate Judge Christina Bryan to conduct all further proceedings, including hearings and rulings on motions, pretrial conferences and trial, and the entry of final judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

DATE

SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE